

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV292-03-MU

DAVID E. SIMPSON,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
STATE OF NORTH CAROLINA,)	
)	
Respondent.)	
_____)	

THIS MATTER comes before the Court on initial review of Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 filed on July 16, 2009 (Doc. No. 1.) For the reasons stated herein, such Petition will be summarily denied.

Petitioner filed his first § 2241 petition on June 19, 2009. This Court dismissed his petition for failure to name the proper custodian and because Petitioner had not exhausted his available state remedies prior to filing in federal court. (See 3:09cv229).

A review of the instant Petition reveals that Petitioner still has not named the proper respondent. See 28 U.S.C. 2242. It is also not clear to this Court whether Petitioner has exhausted his state remedies..¹

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Petition is Dismissed without prejudice.

¹ The Court also notes that Petitioner is in the custody of the Craven Correctional Institution, which is located within the Eastern District of North Carolina.

SO ORDERED.

Signed: August 3, 2009

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

